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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Pacific Receivables, LLC,

12 Plaintiff,

13 v.

14 T-3 Green House Supply, LLC, et al.,

15 Defendants.
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No. 2:23-cv-01081-KJM-DMC

ORDER

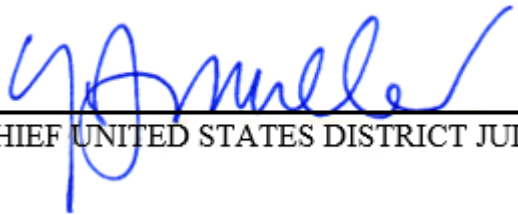
17 On June 28, 2023, defendant T-3 Green House Supply, LLC moved to dismiss plaintiff
18 Pacific Receivables, LLC's complaint. Mot., ECF No. 10. The court denied the motion without
19 prejudice for failure to meet and confer. Order, ECF No. 16. On July 31, 2023, plaintiff filed a
20 second amended complaint without leave of court. Second Am. Compl., ECF No. 19.

21 Under Federal Rule of Civil Procedure 15, "[a] party may amend its pleading once as a
22 matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a
23 responsive pleading is required, 21 days after service of a responsive pleading or 21 days after
24 service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1).
25 "In all other cases, a party may amend its pleading only with the opposing party's written consent
26 or the court's leave." Fed. R. Civ. P. 15(a)(2). Plaintiff filed its second amended complaint more
27 than 21 days after any motion under Rule 12; there has been no answer. Plaintiff did not request
28 leave to amend and did not obtain defendants' consent to a further amendment. *See* Second Am.

1 Compl. The second amended complaint is therefore **stricken**, and the first amended complaint
2 remains as plaintiff's controlling pleading.

3 IT IS SO ORDERED.

4 DATED: August 7, 2023.

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CHIEF UNITED STATES DISTRICT JUDGE